



Sen. Don Harmon

Filed: 2/26/2010

09600SB3057sam001

LRB096 16294 KTG 37757 a

1 AMENDMENT TO SENATE BILL 3057

2 AMENDMENT NO. _____. Amend Senate Bill 3057 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Swimming Facility Act is amended by
5 changing Section 21 as follows:

6 (210 ILCS 125/21) (from Ch. 111 1/2, par. 1221)

7 Sec. 21. Closure of facility. Whenever the ~~the~~ Department
8 finds any of the conditions hereinafter set forth it shall, by
9 written notice, immediately order the owner, operator or
10 licensee to close the swimming facility and to prohibit any
11 person from using such facilities:

12 (1) If conditions at a swimming facility and
13 appurtenances, including bathhouse facilities, upon
14 inspection and investigation by a representative of the
15 Department, create an immediate danger to health or safety,
16 including conditions that could lead to bather entrapment

1 or entanglement; or

2 (2) When the Department, upon review of results of
3 bacteriological analyses of water samples collected from a
4 swimming facility, finds that such water does not conform
5 to the bacteriological standards promulgated by the
6 Department for proper swimming water quality; or

7 (3) When an environmental survey of an area shows
8 evidence of sewage or other pollutional or toxic materials
9 being discharged to waters tributary to a beach creating an
10 immediate danger to health or safety; or

11 (4) When the Department finds by observation or test
12 for water clarity of the swimming facility water a higher
13 turbidity level than permitted in the standards for
14 physical quality as promulgated by the Department; or

15 (5) When in such cases as it is required, the presence
16 of a satisfactory disinfectant residual, prescribed by
17 rule as promulgated by the Department, is absent.

18 The notice shall state the reasons prompting the closing of
19 the facilities and a copy of the notice must be posted
20 conspicuously at the pool or beach by the owner, operator or
21 licensee.

22 The State's Attorney and Sheriff of the county in which the
23 swimming facility is located shall enforce the closing order
24 after receiving notice thereof.

25 Any owner, operator or licensee affected by such an order
26 is entitled, upon written request to the Department, to a

1 hearing as provided in this Act.

2 When such conditions are abated or when the results of
3 analyses of water samples collected from the swimming facility,
4 in the opinion of the Department, comply with the Department's
5 bacteriological standards for acceptable water quality, or
6 when the turbidity decreases to the permissible limit, or when
7 the disinfectant residual reaches a satisfactory level as
8 prescribed by rule, the Department may authorize reopening the
9 pool or beach. When sources of sewage, pollution, or toxic
10 materials discovered as a result of an environmental survey are
11 eliminated, the Department may authorize reopening of such
12 beach.

13 (Source: P.A. 92-18, eff. 6-28-01.)".